

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Specification and Abstract**

The specification and abstract have been reviewed and revised to improve their English grammar. No new matter has been added.

### **II. Amendments to the Claims**

Claim 17 has been cancelled without prejudice or disclaimer of the subject matter contained therein.

Further, claim 16 has been amended to incorporate the subject matter of independent claim 1.

In addition, independent claims 1 and 15 have been amended to overcome the 35 U.S.C. § 101 rejection discussed below in detail.

It is also noted that claims 1-16 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

### **III. 35 U.S.C. §101 Rejection**

Claims 1-15 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Specifically, claims 1-15 were rejected for not being tied to another statutory process and for reciting software per se. These rejections are no longer applicable for the following reasons.

Claims 1 and 15 have been amended to recite that the program is recorded on a recording medium and causes a game apparatus to execute a method. As a result, claims 1-15 are now directed to more than software alone (e.g., a method) and are specifically tied to a game apparatus. Therefore, withdrawal of these rejections is respectfully requested.

Furthermore, since claims 1-15 have been amended to overcome this 35 U.S.C. § 101 rejection, and there are no other outstanding rejections, it is respectfully submitted that claims 1-15 are allowable.

### **IV. Allowable Subject Matter**

Claims 16 and 17 were identified by the Examiner as being allowable if rewritten in independent form to include all of the limitations of base claim 1. The Applicants would like to thank the Examiner for this indication of allowable subject matter.

As mentioned above, claim 16 has been amended to include the subject matter of independent claim 1. Accordingly, in view of the Examiner's indication of allowable subject matter as discussed above, it is submitted that amended independent claim 16 is allowable.

**V. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

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